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Clerk of the Arizona Supreme Court
1501 West Washington, Suite 402
Phoenix, Arizona 85007

Re: Pending Rule Change Petition R-05-0037

Dear Sir/Madam:

I respectfully request that the Supreme Court require the presence of a certified court reporter in all civil, juvenile, and criminal evidentiary proceedings in Superior Court.

It has been proven throughout the country that the best record of court proceedings is the professional court reporter. With electronic recording comes the issue of unknown problems that can be of a monumental nature when dealing with court proceedings of all matters:

- Is the recorder functioning properly?
- Is an attorney/client privileged conversation being recorded when it is supposed to be "off the record" because someone forgot to shut off the microphone or stop the recording during a recess?
- Will the passage of time degrade the integrity of the recording

No one working in the legal profession can dispute the fact that it sometimes becomes necessary during a proceeding to request that someone repeat an answer or question due to outside noise interfering such as a person coughing or construction work being done. If someone is not there that recognizes the fact that it needs to be clarified for the record, you lose the integrity of the record plus vital information. Further, witnesses will sometimes only nod their head or shake their head in response to questioning, which an electronic recording cannot pick up. If you do not have a court reporter whose sole purpose in that proceeding is the clarity and integrity of the record, the record loses all meaning. People have habits of mumbling their words, accents that are not always immediately understandable, in heated debates people will begin to talk over each other, these are all reasons that a professional court reporter is a key component to all judicial proceedings.

I have personally attempted to transcribe recordings of witness interviews, medical examinations, and the like, and I can attest that due to the quality of the recording, I have often had to use the word "inaudible" on a consistent basis throughout the transcripts because you simply cannot determine what is being said. You would never see the word "inaudible" in a transcript produced by a court reporter that was present at the proceeding

A court reporter's responsibility is to maintain and provide the best record possible. They provide an unbiased, third-party component to keeping the record. Based on all the statements provided above, I propose that the court reporter is an integral and reliable component in the justice system. With the proposed changing of the rules, the ones who will be hurt the most are the litigants who will suffer at the hands of inadequate records on appeal.

Thank you for your time.

Sincerely yours,

Christy Berry,
Legal Assistant